



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

BARBARA D. UNDERWOOD
SOLICITOR GENERAL
DIVISION OF APPEALS & OPINIONS

May 2, 2024

By ECF

Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *Meissner v. City of New York*, No. 23-cv-01907 (NRB)

Dear Judge Buchwald:

I write on behalf of intervenor New York State Attorney General Letitia James, who has intervened in this case for the limited purpose of defending the constitutionality of New York's laws related to firearm licensing. Following the parties' teleconference with the Court on April 25, 2024, the Attorney General submits this letter (i) to request a stay as to one of Plaintiffs' claims and (ii) to propose a briefing schedule for the Attorney General's motion for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure as to Plaintiffs' constitutional challenges to state law.

First, the Attorney General wishes to notify the Court that the Second Circuit is currently considering a constitutional challenge to N.Y. Penal Law § 400.00(6), which requires individuals to obtain a New York City-specific permit to carry firearms in the City. *See Frey v. Bruen*, No. 23-365 (2d Cir., argued Jan. 30, 2024). Appellants in *Frey* challenged a district court decision denying a preliminary injunction as to § 400.00(6). *See Frey v. Nigrelli*, 661 F. Supp. 3d 176, 196-98 (S.D.N.Y. 2023). In the interests of judicial efficiency, the Attorney General asks the Court to stay adjudication of Plaintiffs' challenge to § 400.00(6) pending the Second Circuit's decision in *Frey*.

Second, the Attorney General seeks leave to file (i) an answer addressing Plaintiffs' constitutional challenges to state law; and (ii) a motion for judgment on the

pleadings addressing Plaintiffs' challenges to N.Y. Penal Law § 265.20(03), which requires a valid license issued in New York to avoid prosecution for criminal possession of a firearm.

The Attorney General understands that the City Defendants also intend to file a motion for judgment on the pleadings and that Plaintiffs may file a cross-motion. Accordingly, the Attorney General respectfully proposes the following schedule:

June 30, 2024	Attorney General to file answer.
August 12, 2024	Attorney General and City Defendants to file motions for judgment on the pleadings.
September 12, 2024	Plaintiffs to file opposition to motions for judgment on the pleadings and cross-motion for judgment on the pleadings.
September 26, 2024	Attorney General and City Defendants to file reply in support of motions for judgment on the pleadings and oppositions to plaintiffs' cross-motion.
October 10, 2024	Plaintiffs to file reply in support of cross-motion for judgment on the pleadings.

Respectfully submitted,

/s/ Sarah Coco

Sarah Coco
Assistant Solicitor General
212-416-6312

cc (via ECF): All counsel of record